

Kenneth M. Miller
Bienert, Miller & Katzman, PLC
903 Calle Amanacer, San Clemente, CA 92673
(949) 369-3700
Kmill@BMKattorneys.com

Education

LOYOLA LAW SCHOOL, LOS ANGELES CA
J.D. 1990
Order of the Coif
Note & Comment Editor, LOYOLA OF LOS ANGELES LAW REVIEW
Comment, *Materiality: An Element Of 18 U.S.C. § 1001 and a Question for the Jury*, 23 LOY. L.A.L. REV. 989 (1990)

UNIVERSITY OF TEXAS, AUSTIN TX
B.A. Government, 1986

Employment

2007-Present Partner, BIENERT, MILLER & KATZMAN, PLC, San Clemente, CA
(Complex white collar criminal defense and related civil litigation;
homicide and capital habeas)

2002-2006 LAW OFFICE OF KENNETH M. MILLER, San Clemente, CA
1996-2000 (Federal civil rights, capital habeas and criminal trials and appeals)

2000 - 2002 Partner, STEWARD & MILLER, San Clemente, CA
(Federal criminal defense and appeals)

1994 - 1996 Associate, SILVER, SHAEFFER & HADDEN, Irvine, CA
(Civil rights litigation and federal criminal defense)

1993 - 1994 Associate, PAUL, HASTINGS, JANOFKY & WALKER, Costa Mesa,
CA (Business litigation)

1991 - 1993 Deputy Federal Public Defender, FEDERAL PUBLIC DEFENDER'S
OFFICE, CENTRAL DISTRICT OF CALIFORNIA, Orange County
Branch Office

1990 - 1991 LAW CLERK TO THE HONORABLE ROGER D. FOLEY,
SENIOR UNITED STATES DISTRICT JUDGE, Las Vegas, NV

Representative Opinions

Caliendo v. Warden, 365 F.3d 691 (9th Cir. 2004) (three strikes conviction vacated); United States v. Woods, 335 F.3d 993 (9th Cir. 2003) (sentence reversed); United States v. Anderson,

201 F.3d 1145 (9th Cir. 2000) (voluntary manslaughter conviction reversed); and, United States v. McKinney, 15 F.3d 849 (9th Cir. 1994) (sentence reversed).

Publications/Other

Panelist: *White-Collar Defense Roundtable*, California Lawyer, January and September 2011.

Articles: Miller, *Keeping Internal Investigations Internal*, Association of Business Trial Lawyers Report, Orange County, Vol. XIV, No. 2 (Spring 2012); Miller & Alarcon, *Investigating Corporate Employees in Civil and Criminal Litigation—A Necessary But Difficult Task*, FBA/OC Newsletter (Spring 2010); Miller, Bienert & Narholm, *Individual Responses to Federal Subpoenas for Clients with Possible Criminal Exposure*, FBA/OC Newsletter (Summer 2007); Miller, *Combating the Prosecutor’s Improper Utilization of Inconsistent Theories*, The Champion, Vol. XXVI, No. 5 (June 2, 2002); Miller, *Washing White Collars With Dirty Money*, Los Angeles Daily Journal, Forum (December 12, 2000); Miller, *Outrageous Government Conduct that Shocks the Conscience*, CACJ Forum, Vol. 25, No. 4 (1998); Miller, *Circumventing the Guidelines’ Prohibition Against Departures for Youthful Lack of Guidance*, CACJ Forum, Vol. 23, No. 2 (1996).

Op-Eds: *We Shouldn’t Let Bush Go It Alone (Unfettered Executive Power Will Be Abused, Sooner or Later)*, O.C. Register, April 4, 2006, Local Section; *Congress Should Debate President’s Policy In The Persian Gulf*, Las Vegas Review-Journal, Dec. 2, 1990, §J.

Debater or Debate Moderator: Constitutional Rights Foundation’s Law Day, Orange County (2001-2009 and 2011-2012); Volunteer judge for moot court and mock trial competitions at Chapman Law School, UCI Law School and UCI (2000-2012).

CLE Presenter: Miller & Hawbecker, *Internal Investigations*, Bienert, Miller & Katzman CLE Presentation (Sept. 13, 2012); Miller & Bisconti, *Organized Crime and Terrorism*, The People’s Procuratorate of Hunan Province, P.R. China, International Education Programs College of the Extended University, California State Polytechnic University, Pomona (April 12, 2012); Miller, *The Basics of State and Federal Habeas Corpus*, Orange County Paralegal Assoc. (March 24, 2011); Miller, *Affirmative and Other Defenses: A Fresh Look*, Training Seminar for the Federal Public Defender’s Office, Central District of California (June 11, 1998); Miller, *Creative Downward Departures*, Advanced Federal Sentencing Practice Seminar, Federal Bar Association, O.C. Chapter (Feb. 10, 1996).

Professional Recognition

Lawyer Delegate to Ninth Circuit Judicial Conference, 2011-2014; Southern California “Super Lawyer,” 2010-2013; “AV Preeminent” rating by Martindale-Hubbell (2011-2013).